

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BRANDON CALLIER,

Plaintiff,

v.

**SKYHIGH FUNDING, LLC., A NEW
YORK LIMITED LIABILITY
COMPANY; AND ERIC VIGDOROV,**

Defendants.

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EP-20-CV-00292-FM

FINAL JUDGMENT

Before the court is “Plaintiff’s Motion to Dismiss with Prejudice” (“Motion”) [ECF No. 10], filed February 2, 2021 by Brandon Callier (“Plaintiff”). Therein, Plaintiff requests the court “dismiss the case . . . with prejudice.”¹ Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” The record reflects no defendant has entered an appearance in this cause.

Accordingly, the court enters its Final Judgment pursuant to Federal Rule of Civil Procedure 58 as follows:

1. It is **HEREBY ORDERED** that the cause is **DISMISSED WITH PREJUDICE**.
2. It is **FURTHER ORDERED** all pending motions, if any, are **DENIED AS MOOT**.

¹ “Plaintiff’s Motion to Dismiss with Prejudice” (“Mot.”) 1, ECF No. 10, filed Feb. 2, 2021.

3. It is **FURTHER ORDERED** the Clerk of the Court is **INSTRUCTED** to **CLOSE** the case.

SIGNED AND ENTERED this 3rd day of **February 2021**.

A handwritten signature in black ink, appearing to read "Frank Montalvo", written over a horizontal line.

FRANK MONTALVO
UNITED STATES DISTRICT JUDGE